Get Your Laws Off Our Syllabi!

Using Shared Governance to Fight Back

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Presenters

Dr. Valerie Johnson is Associate Professor of Political Science, a Presidential Diversity Fellow, and Endowed Professor of Urban Diplomacy at the Grace School of Applied Diplomacy at DePaul University in Chicago. Dr. Johnson’s teaching and research are focused on race and socioeconomic inequality.

Her publications include *Black Power in the Suburbs: The Myth or Reality of African American Suburban Political Incorporation* and *Power in the City*. Her current book project is titled *At the Water’s Edge: The Unfinished Business of African American Equality*. She has also recently co-authored a study on the influence of DEI initiatives on the experiences of academic women of color at predominantly white institutions.

Jennifer Ruth serves with Dr. Johnson on the higher education committee for the African American Policy Forum. She is a professor of film studies at Portland State University, is a member of the AAUP's Committee A on Academic Freedom and Tenure, and a contributing editor to the Academe blog.

She is the author of three books. The most recent, co-authored with Michael Bérubé, is *It’s Not Free Speech: Race, Democracy, and the Future of Academic Freedom*. It will be released by John Hopkins University Press in April.
Background Information

**Template** was developed during the summer of 2021 by the AAPF higher ed group (Jennifer, Val, Emily Houh). Announced at the National Teach In on October 14, 2021. Find it and other documents [here](#).

Institutions that have passed the resolution to date: DePaul, Jackson State, Michigan State, Ohio State, Portland State, Washington College, Santa Fe College, Molloy College, Penn State, Virginia Commonwealth and the universities of Alabama, Colorado, Delaware, Massachusetts (Lowell), Minnesota, Oregon, Texas, and Wisconsin.

Associations: [American Studies Association](#)  Chapters: Ball State-AAUP, Purdue-AAUP


[Pen report](#) on the laws and pending bills impacting higher education. (Feb. 1)
Why use Shared Governance?

Shared governance, according to the American Association of University Professors (AAUP) *Statement on Government of Colleges and Universities*, refers to the responsibility shared among the different components of the institution -- governing boards, administrations, and faculties -- for its governance, and the specific areas of primary responsibility of each component.
What are the primary responsibilities of the faculty?

The role of the faculty is to have primary responsibility for such fundamental areas as curriculum, subject matter and methods of instruction, research, faculty status, and those aspects of student life related to the educational process. The responsibility for faculty status includes appointments, reappointments, decisions not to reappoint, promotions, the granting of tenure, and dismissal.
Why should the faculty voice be authoritative in the academic area?

- “Faculty are distinctly qualified to exercise decision-making authority in their areas of expertise.”
- The faculty’s “judgment is central to general educational policy.”
- Scholars in a particular field or activity have the “chief competence for judging the work of their colleagues.”
FACULTY AS A WHOLE EXERCISE
SHARED GOVERNANCE AT FACULTY
SENATES/COUNCILS

UT-Austin Faculty Senate this Monday: “It’s critical race theory today, it’ll be climate research or evolution tomorrow.”

Benefits of using shared governance to fight these laws and bills: we make people aware of this assault and we create a unified faculty voice denouncing them. This impacts the legislatures’ calculations, puts administrators on notice, and helps develop a community which will support our peers who find themselves targeted. They also become documents that may well play critical roles in the courts.

Dan Patrick @DanPatrick · Feb 15
I will not stand by and let looney Marxist UT professors poison the minds of young students with Critical Race Theory. We banned it in publicly funded K-12 and we will ban it in publicly funded higher ed. That’s why we created the Liberty Institute at UT.

statesman.com
UT Faculty Council passes resolution supporting freedom to teach crit...
The resolution states that educators, not politicians, should make decisions about teaching and learning.
“Academic freedom” is the freedom to ...

- Teach, research, investigate, and discuss issues in our respective academic fields and disciplines
- Teach and publish *without interference* from political bodies and figures, governing boards, donors, or other entities
- Speak freely when participating in institutional and shared governance - and to speak freely as a citizen

**Teaching**
Freedom to discuss all relevant matters in your classroom

**Research**
Freedom to explore “all avenues” of your research, scholarship, and creative expression -- and to publish the results of your work

**Intramural speech**
Freedom from being censored by your institution when speaking or writing as a participant in the governance of the institution

**Extramural speech**
Freedom for institutional censorship or discipline when speaking or writing as a citizen (e.g., Twitter, FB, etc.)

Source: AAUP “FAQs on Academic Freedom”
Free Speech

- “Equal status in the field of ideas” - all expressions are (supposedly) given equal protection under the law - “viewpoint neutrality.”

- Speech need not manifest any sense of “competence” - so long as it does not incite violence or does not fall into other categories of constitutionally “unprotected” speech.

- Free speech rights are focused on the individual person (where “person” now includes corporations).

Academic Freedom

- Inequality of status between ideas, based on disciplinary standards and peer review → to progress knowledge for the common good.

- Speech manifesting “disciplinary incompetence” is not protected.

- Academic freedom rights are regulated by the “collective” -- peers within your discipline determine what constitutes “disciplinary competence.”

Source: AAUP “FAQs on Academic Freedom”
WHO IS BETTER QUALIFIED TO WRITE OUR CURRICULUM? EXPERTS IN THEIR FIELDS OR PARTISAN POLITICIANS?
Five Steps to Passing the Resolution
1) Find the resolution template here: [https://www.aapf.org/truthbetold-call-to-action](https://www.aapf.org/truthbetold-call-to-action)
2. Determine your institution’s process to propose a motion and establish the timeline.
3. Find sponsors/co-sponsors.

- Scan the list of Senators and make contact with those you think would be interested/sympathetic.
- If you have a faculty union (especially if it is an AAUP chapter), recruit their support.
- Reach out to departments that would be most impacted (English, Black Studies, History, Women and Gender Studies, Education schools/programs).
4. Adapt the template to your institution.

In many instances, there are already institutional commitments in place.
DePaul Resolution to Defend Academic Freedom to Teach About Race & Gender Justice and Critical Race Theory

Type: Actionable item
Date: September 24, 2021
Passed: unanimously

RATIONALE:

WHEREAS state legislative proposals are being introduced and enacted across the United States that target academic discussions of racism, sexism, and related issues in American history in schools, colleges, and universities.

WHEREAS these legislative proposals vary but all seek to prohibit or restrict what they often call “divisive concepts” in the teaching and education of students.

WHEREAS the term “divisive” is indeterminate, subjective, and sidelines the capacity of educators to explore a wide variety of topics based on subjective criteria that are not applicable to the goals of education and the development of essential critical thinking skills.

WHEREAS educating about systemicized barriers to realizing a multicultural democracy based on race or gender should be understood as central to the active and engaged pursuit of knowledge in the 21st century to produce engaged and informed citizens.

WHEREAS DePaul has a stated commitment to diversity, equity, and inclusion (DEI) and to mitigating inequities related to diverse populations.

WHEREAS DePaul University’s newly revised mission statement affirms that “DePaul compassionately upholds the dignity of all members of its diverse, multi-Ethnic, and inclusive community” and is committed to “promoting peaceful, just, and equitable solutions to social [..] changes.”

WHEREAS the Message of Solidarity from DePaul University Officers acknowledges that “Racism is woven into the fabric of this country. It is the legacy of slavery, colonization, and the taking by force of lands and peoples to create power and privilege for some while marginalizing many. Despite the efforts of many, the principal objectives of the past decades to combat racism and racial discrimination have not been attained and to the present day, countless human beings continue to be victims of racism, racial discrimination and related intolerance.”

WHEREAS in light of the ongoing reality of violence and discrimination committed against the BIPOC community, DePaul University has committed itself to a sincere reconsideration of policies and practices at DePaul that perpetuate racist patterns.

WHEREAS The American Association of University Professors and DePaul’s AAUP chapter affirms the importance of academic freedom to the proper functioning of universities, citing the American Association of University Professors 1940 statement of Principles on Academic Freedom and Tenure.

WHEREAS Section 1.2.1 of the Faculty Council Handbook states that “the faculty is vested with primary governance responsibility of academic and scholarly activities... including
Portland State University Faculty Senate Resolution
Defending Academic Freedom to Teach and Research Race and Gender Justice and Critical Race Theory
Submitted to Senate Steering 10/11/2021

Background

“McCarthyism has returned.” These are the recent words of Ellen Schrecker, author of No Ivory Tower: McCarthyism and the Universities. In the summer of 2021, Republican politicians began proposing legislation against “divisive concepts” and critical race theory. Bills have passed in twelve states and are pending in others. (The African American Policy Forum tracks the legislation here.) The attempt to use the state to restrict teaching and research about race and racism is, in fact, “worse than McCarthyism,” Schrecker wrote, because “the red scare of the 1950s marginalized dissent and chilled the nation’s campuses, but it did not interfere with such matters as curriculum or classroom teaching.” Academics failed to come together to mount a strong defense of academic freedom in the 1950s. We can do better today.

Whether these bills are currently being proposed in Oregon or not, we believe that Faculty Senates everywhere must speak up against them and in defense of academic freedom. We join with our colleagues across the country in resolving the following:

Whereas

State legislative proposals are being introduced across the United States that target academic discussions of racism and related issues in American history in schools, colleges and universities;

Whereas
5. GET IT ON THE AGENDA FOR DISCUSSION AND THEN BRING IT TO A VOTE!

TWO SENATE MEETINGS:

1) Discussion
2) Vote

Identify Supporters

1) College or department members who will lobby their representatives
2) DEI professionals
3) Students, including college newspaper reporters
4) Administrators who will support
LET US KNOW WHAT YOU ARE DOING AND HOW WE CAN HELP!

Write to us (ruthj@pdx.edu) or (valerie.c.johnson@depaul.edu)

Fill out this form: ACADEMIC FREEDOM AND CRT RESOLUTION

We want to maintain a list of all the places that pass this or a similar resolution to share with the media.